

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4393

BY DELEGATES ROHRBACH, LOVEJOY, LINVILLE,

MAYNARD AND PORTERFIELD

[Introduced January 16, 2020; Referred to the

Committee on the Judiciary.]

1 A BILL to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating
2 to making suffocation and asphyxiation crimes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Strangulation; suffocation and asphyxiation; definitions; penalties.

1 (a) As used in this section:

2 ~~(1)~~ "Bodily injury" means substantial physical pain, illness or any impairment of physical
3 condition;

4 ~~(2)~~ "Strangle" means knowingly and willfully restricting another person's air intake or blood
5 flow by the application of pressure on the neck or throat;

6 ~~(3)~~ "Suffocate" means knowingly and willfully restricting the normal breathing or circulation
7 of blood by blocking the nose or mouth of another; and

8 ~~(4)~~ "Asphyxiate" means knowingly and willfully restricting the normal breathing or
9 circulation of blood by the application of pressure on the chest or torso.

10 (b) Any person who strangles, suffocates or asphyxiates another without that person's
11 consent and thereby causes the other person bodily injury or loss of consciousness is guilty of a
12 felony and, upon conviction thereof, shall be fined not more than \$2,500 or imprisoned in a state
13 correctional facility not less than one year or more than five years, or both fined and imprisoned.

NOTE: The purpose of this bill is to create the crimes of suffocation and asphyxiation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.